

November 3, 1997

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 3, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) for discussion later in the meeting. It was noted that Consent Item 17 [Yard Waste Collection] was pulled at the Committee-of-the-Whole Meeting on Thursday, October 30, 1997.

MOTION by Council Member Clement seconded by Council Member Griffin to approve the Consent Agenda as amended was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

[CONSENT AGENDA]

SUBJECT: AMENDMENTS TO THE COMPENSATION AND CLASSIFICATION PLAN

MOTION by Council Member Clement seconded by Council Member Griffin to approve amendments, as listed in the attachment, to the City of Durham Compensation and Classification Plan adopted on July 6, 1996 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

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SUBJECT: BIMONTHLY BILLING UPDATE AND ORDINANCE REVISION

MOTION by Council Member Clement seconded by Council Member Griffin to receive an update on bimonthly billing; and

To adopt "An Ordinance to Amend Durham City Code Section 23-41 Monthly Rates for Water Service, Sewer Service and Water and Sewer Service"--this amendment reflects the change to bimonthly billing and reduces the water and sewer customer service charges was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: TAXICAB ORDINANCE AMENDMENT CONCERNING DRIVER COMPANIONS

MOTION by Council Member Clement seconded by Council Member Griffin to adopt "An Ordinance Amending Section 22-73 of the Durham City Code Concerning Driver Companions During Night Hours" was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: PROPOSED THREE-YEAR LEASE AGREEMENT RENEWAL TO LEASE SPACE IN THE OMNI HOTEL - AMERICAN AIRLINES, INC.

MOTION by Council Member Clement seconded by Council Member Griffin to authorize the City Manager to execute a Lease between the City of Durham and American Airlines, Inc. for renewal of the leased space located in the Omni Hotel, 201 Foster Street, for the operation of a ticket office was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: BIDS - SALE OF SURPLUS LANDFILL EQUIPMENT, EVANS EQUIPMENT, INC.

MOTION by Council Member Clement seconded by Council Member Griffin to accept the high bid from Evans Equipment, Inc. in the amount of \$607,000.00 for the base bid (all nine items) was approved at 7:33 p.m. by the following vote: Ayes: Mayor

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Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: BIDS - AUCTIONEERING SERVICES FOR THE 1997 ANNUAL CITY AUCTION - WAYNE EVANS AUCTION COMPANY

MOTION by Council Member Clement seconded by Council Member Griffin to authorize the City Manager to enter into a contract with Wayne Evans Auction Company, Inc. in the sum of 6.95% of the gross sales for auctioneering services for the 1997 annual City auction was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: BIDS - SIDE LOADING REFUSE COLLECTION VEHICLES - LODAL SOUTH, INC.

MOTION by Council Member Clement seconded by Council Member Griffin to accept the bid from Lodal-South, Inc. in the amount of \$737,074.60 for furnishing the City with five (5) side loading refuse collection vehicles was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION - APPOINTMENTS

MOTION by Council Member Clement seconded by Council Member Griffin to appoint R. Kelly Bryant, At Large Member, John M. Wildey, representing Ward 4, and Lydia E. Lavelle, representing Ward 2, to the Durham Open Space and Trails Commission with terms to expire June 31, 1999 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: SITE PLAN APPROVAL - TRAVCO HOTEL

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MOTION by Council Member Clement seconded by Council Member Griffin to approve a site plan for the Travco Hotel, submitted by Sutton-Kennerly & Associates, consisting of a 128,475 square-foot, 162-unit hotel, including meeting space, proposed on ±4.35-acre site, zoned GC(D) and MTC, and located on the north side of Old Page Road, west of I-40 and east side of Central Park Drive (Tax Map #587-01-008) was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: SOLID WASTE ORDINANCE REGARDING A DISPOSAL BAN FOR RECYCLABLES AND THE USE OF A TRANSFER STATION

MOTION by Council Member Clement seconded by Council Member Griffin to adopt "An Ordinance Amending Chapter 10 of the Durham City Code by Including Revised Sections Regarding the Banning of Disposal of Recyclables and the Use of a Transfer Station" was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: PROPOSED ACQUISITION FOR THE FUTURE EXPANSION OF LAKE MICHIE, PROPERTIES OF PAUL PARKS, ROBERT J. THORNTON, SR. AND WIFE, BLANCHE N. THORNTON

a. Property of Paul Parks

MOTION by Council Member Clement seconded by Council Member Griffin to authorize the acquisition of approximately 3.85 acres, land, improvements and access easement, Tax Map #936-01-007A, property of Paul Parks for \$154,500 for Lake Michie expansion was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

b. Property of Robert J. Thornton, Sr. and Wife Blanche N. Thornton

MOTION by Council Member Clement seconded by Council Member

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Griffin to authorize the acquisition of approximately 39.16 acres, land only, Tax Map #934-01-006 (partial), property of Robert J. Thornton, Sr. and Wife Blanche N. Thornton for \$293,700 for Lake Michie expansion was approved at 7:33 p.m. by the following vote:

Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: FURTHER EVALUATION OF PESTICIDES IN DURHAM'S WATER SUPPLY WATERSHEDS--PHASE II, UNIVERSITY OF NORTH CAROLINA WATER RESOURCES RESEARCH INSTITUTE

MOTION by Council Member Clement seconded by Council Member Griffin to authorize the City Manager to enter into an Agreement with the University of North Carolina Water Resources Research Institute in the amount of \$30,448 for further evaluation of pesticides in Durham's water supply watersheds; and

To approve funding this study as an additional work item under the City's on-going Agreement with the NC Water Resources Research Institute as a member of the Urban Water Consortium from funds available in the Department of Water Resources FY 1997-98 budget was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: WATER SERVICE FOR RESIDENTIAL OUTDOOR WATERING AND IRRIGATION

MOTION by Council Member Clement seconded by Council Member Griffin to approve the "cowhorn" concept as a second, water-only service for irrigation purposes for single-family residential customers at a charge of \$450 and that no Capital Facility Fee be charged for such an installation was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: LICENSE AGREEMENT - THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE

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MOTION by Council Member Clement seconded by Council Member Griffin to authorize the City Manager to enter into a License Agreement with The North Carolina Museum of Life and Science for an underground electrical conduit in Murray Avenue was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR BRIDGE REINSPECTIONS

MOTION by Council Member Clement seconded by Council Member Griffin to adopt a resolution authorizing the City Manager to enter into an Municipal Agreement with NCDOT for the reinspection of City bridges was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: ADDITIONS TO CONTRACT WS-68, BILLINGS AND GARRETT

MOTION by Council Member Clement seconded by Council Member Griffin to authorize the addition of certain water and sewer improvements previously ordered by the City Council to existing Contract WS-68;

To authorize the expenditure of \$415,000 from the Sewer Extensions and Improvements Account; and

To authorize the expenditure of \$145,000 from the Water Extensions and Improvements Account was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: RESOLUTION MEMORIALIZING DR. JAMES E. DAVIS

MOTION by Council Member Clement seconded by Council Member Griffin to direct the City Clerk to draft a resolution memorializing Dr. James E. Davis was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley,

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Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: BID REPORT - SEPTEMBER 1997

MOTION by Council Member Clement seconded by Council Member Griffin to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of September 1997 was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

[See Attachment #1 for itemized bid report]

SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS

MOTION by Council Member Clement seconded by Council Member Griffin to accept a Certificate of Sufficiency from the City Engineer for each of the following petitions; and

To adopt resolutions setting public hearings on Monday, November 17, 1997 to consider ordering the following improvements was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

- a. **Water Main - Burton Road** from end of water main to East Geer Street
- b. **Water Main - Clayton Road** from N.C. 98 to Judy Avenue

SUBJECT: Sewer Main - Angier Avenue from Midway Avenue to Post Avenue - Setting Public Hearing for Confirmation of the Assessment Roll

MOTION by Council Member Clement seconded by Council Member Griffin to adopt a resolution setting a public hearing on Monday, November 17, 1997 for confirmation of the assessment roll for sewer main improvements on Angier Avenue from Midway Avenue to Post Avenue was approved at 7:33 p.m. by the following vote:

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Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Clement seconded by Council Member Griffin to approve the ten Time Payment Petitions as listed below was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

1. Mitchell R. Buster - 3215 Cheek Road - Sewer Lateral, Water Main and Water Capital Facility Fee
2. Mitchell R. Buster - 3215 Cheek Road - Water Main
3. Robert H. and Sandra M. Dean, Jr. - 4915 West Avenue - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee
4. Maurice A. and Karen L. Fried - 124 November Drive - Sewer Lateral and Sewer Capital Facility Fee
5. William E. and Sharon Heckman - 404 S. Riverdale Drive - Sewer Lateral, Water Main and Sewer Capital Facility Fee
6. William E. and Sharon Heckman - 404 S. Riverdale Drive - Sewer Main
7. James G. and Carol W. Lewis - 2409 Dawn Trail - Sewer Lateral and Sewer Capital Facility Fee
8. James W. and Ann S. Parker, Jr. - 311 Country Club Drive - Sewer Lateral and Sewer Capital Facility Fee
9. Reginald N. and Terri D. Wade, Jr. - 4014 Neal Road - Water Lateral, Water Main and Water Capital Facility Fee
10. Daniel H. and Michele C. Wright - 3920 Hope Valley Road - Sewer Lateral and Sewer Capital Facility Fee

SUBJECT: EXISTING TWENTY-FIVE MILE PER HOUR SPEED LIMITS IN AREAS

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**ANNEXED JULY 1, 1997 - NORTHWEST, NORTH, SOUTH MIAMI
BOULEVARD AND PARKWOOD AREAS**

MOTION by Council Member Clement seconded by Council Member Griffin to adopt an ordinance establishing 25 mile per hour speed limits on streetS in the Northwest, North, South Miami Boulevard and Parkwood annexation areas was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: SPEED LIMIT - COLE MILL ROAD

MOTION by Council Member Clement seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a 40 mile per hour speed limit on Cole Mill Road (SR 1401) in the area beginning at a point 0.35 mile north of US 70 Business, and extending northward to Rose of Sharon Road (SR 1404) was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: HANDICAP PARKING - LINCOLN STREET

MOTION by Council Member Clement seconded by Council Member Griffin to adopt an ordinance establishing handicap parking on the east side of Lincoln Street in the area beginning at a point 26 feet north of the north curb line of Price Avenue, if extended, and extending for a distance of 28 feet northwardly was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: NO PARKING - FINLEY STREET

MOTION by Council Member Clement seconded by Council Member Griffin to adopt an ordinance establishing no parking at any time on the east side of Finley Street in the area beginning at the east curb line of Neal Road, if extended, and extending to the end of City maintenance was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson,

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McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: STOP SIGNS - FORESTWOOD PARK

MOTION by Council Member Clement seconded by Council Member Griffin to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

- a. Katlin Drive at Cook Road, southeast corner
- b. Andi Court at Katlin Drive, southwest corner

SUBJECT: TAXICAB DRIVER'S PERMITS

MOTION by Council Member Clement seconded by Council Member Griffin to receive from the Taxicab Inspector a listing showing the issuance of certain taxicab driver's permits was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

The following persons made application for a new taxicab driver's permit.

NAME	CAB COMPANY
Jasper McNeil, Sr.	Lyon's Cab Company
Martin A. Njunge	DART Cab Company
Njau A. Nongu	DART Cab Company
Ahmed Z. Mohammed	Safeway Cab Company
Haroun M. Osman	Week's Cab Company
Ruffus L. Waddell	McKay's Cab Company
Henry Bates	E & E Cab Company
Anthony Banka	DART Cab Company
Michael A. Robinson	Courtesy Cab Company
Izell Gooch, Jr.	McKay's Cab Company
Royce E. Jones	Smokey's Cab Company
Michael Everett	Buddy's Cab Company
Abdutraouf Ali	Buck's Cab Company
Kathy Riley	Danite II Cab Company
David Pettiford	J.C.'s & Sandi's Cab Companies

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David Holmes

Dixon Cab Company

The following persons made application for renewal of their taxicab driver's permit.

Pernell W. Canaday	Canaday's Cab Company
LaTanya Moore	P. M. Taxi Company
Paul D. Thompson	P. M. Taxi Company
James Gardner, Jr.	Sonny's Cab Company
Nyewagi B. Oba	Positive Cab Company
Eric B. Tillman	Doc's Cab Company
Reginald Johnson	Johnny's Cab Company
James T. Smith	J & L Cab Company
Anne Dixon	Star Cab Company
Willie Weeks, Jr.	W & W & Weeks' Cab Companies
Macon R. Smith	Deluxe Cab Company
Willie Weeks, III	W & W & Weeks' Cab Companies
Merike Torain	Sunbeam Cab Company
Peter Sampson	McKay's Cab Company
Nathaniel Lennon	Sandi's Cab Company
Joseph Adams	W & W & Weeks' Cab Companies
James H. Greene	Green's Cab Company

The following persons made late application for renewal of their taxicab driver's permit.

Michael W. Dixon	Deluxe Cab Company
Herbert Bell, Jr.	Bell's Cab Company
Ralph McCoy	R.E.M. Cab Company
Maurice Ochola	DART Cab Company
Earnest E. Johnson	Star & Johnson Cab Companies
Lottie Smith	J & L Cab Company
George R. Reed	M & L Cab Company
Emanuel Amadakah	Express Cab Company
Willie N. Smith	J & L & Bama Cab Companies
Stephen Dixon	Dixon's Cab Company
Wallace Braswell	Bluebird Cab Company
Shelton Miller, Jr.	Bluebird Cab Company
Algin Holloway	Bull City & Deluxe Cab Companies
Bobbie L. Mason	Bajwa's Roadrunner Cab Company
Calvin Smith	Deluxe Cab Company
Victor Sutton	Hawk Cab Company
Ronald R. Green	Deluxe Cab Company
Brion E. Young	Bajwa's Roadrunner Cab Company
Robert Tucker	Danite II Cab Company
George McKay	McKay's Cab Company
Willie Brockingham	Danite II Cab Company
George W. McFadden	Smokey's Cab Company

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SUBJECT: CITY COUNCIL MINUTES

MOTION by Council Member Clement seconded by Council Member Griffin to approve the official minutes of the October 6, 1997 and October 20, 1997 Regular City Council Meetings was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

[GENERAL BUSINESS AGENDA]

SUBJECT: LANDFILL MATTERS

MOTION by Council Member Wright seconded by Council Member Clement to refer this matter to the November 6, 1997 Finance Committee Meeting and the November 10, 1997 Public Works Committee Meeting was approved at 7:33 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

[PUBLIC HEARINGS]

SUBJECT: Water Main - Hillock Place from Riverdale Drive to North Property Line of Tax Map 821-1-7G

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the following properties be referred to the Public Works Committee for further consideration: David Summerland; Durham County; and Thomas McCurdy.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution confirming the assessment roll for water main on Hillock Place from Riverdale Drive to north property line of Tax Map 821-1-7G **and to refer the properties of David**

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Summerland; Durham County and Thomas McCurdy to the Public Works Committee for further consideration was approved at 7:35 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: Sewer Main - Ellis Road from Ed Cook Road to Rada Drive

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the property of Walter Langley be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution confirming the assessment roll for sewer main on Ellis Road from Ed Cook Road to Rada Drive **and to refer the property of Walter Langley to the Public Works Committee for further consideration** was approved at 7:35 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: Water Main - Heather Glen Road from Russell Road to Falkirk Drive; **Falkirk Drive** from south property line of Tax Map 836-2-18 to east property line of Tax Map 836-3-30; **Westcott Place** from Heather Glen Road to cul-de-sac; **Perth Place** from Falkirk Drive to cul-de-sac; **Fairntosh Place** from Falkirk Drive to cul-de-sac and **St. Clair Place** from Falkirk Drive to cul-de-sac

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution ordering water main on **Heather Glen Road** from Russell Road to Falkirk Drive; **Falkirk Drive** from south property line of Tax Map 836-2-18 to east property line of Tax Map

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836-3-30; **Westcott Place** from Heather Glen Road to cul-de-sac; **Perth Place** from Falkirk Drive to cul-de-sac; **Fairntosh Place** from Falkirk Drive to cul-de-sac and **St. Clair Place** from Falkirk Drive to cul-de-sac was approved at 7:35 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

SUBJECT: ZONING MATTER CASE P97-64, BELLSOUTH MOBILITY, INTERSECTION OF FAYETTEVILLE ROAD AND NC-54

Case: P97-64

Applicant: BellSouth Mobility

Location: Lots on the southwest corner of the intersection of Fayetteville Road and NC-54 (Tax Map #525, Block 2, Lots 6, 8, 9A, 10 and 11)

Request: Rezoning from SC (Shopping Center) and OI-2(D) (Office and Institutional with a Development Plan) and MTC (Major Transportation Corridor) and F/J-B (Falls/Jordan Protected Area) Overlays to SC (Shopping Center) and OI-2(D) (Office and Institutional with a Development Plan) and MTC (Major Transportation Corridor) and F/J-B (Falls/Jordan Protected Area) Overlays--**Change in Development Plan**

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of SC and OI-2(D) and MTC and F/J-B Overlays and placing same in and establishing same as SC and OI-2(D) and MTC and F/J-B Overlays.

Zoning Committee's Recommendation and Vote: Approval (6-1)

The applicant requested that this rezoning requested be continued until the January 20, 1998 City Council Meeting.

MOTION by Council Member Clement seconded by Council Member McKissick to continue this rezoning request until the January 20, 1998 City Council Meeting was approved at 7:36 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Engelhard.

[OTHER MATTERS]

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SUBJECT: TAXICAB COMMISSION REPORT

To receive a report [partial] from the Taxicab Commission and to take action on the following recommendation of the Taxicab Commission pursuant to Section 22-159.10 of the Durham City Code:

Revocation of Operator's License/Transfer of Operator's License - P. M. Taxi #113

Taxicab Inspector's Recommendation: Revoke Operators License #113 from Paul Thompson--in accordance with City Code or approve transfer of Operator's License #113 from Paul Thompson to Ms. LaTanya Moore--in accordance with City Code.

Taxicab Commission's Recommendation: Transfer Operator's License #113 from Paul Thompson to Ms. LaTanya Moore with an eighteen-month probationary period and bring Ms. Moore back before the Taxicab Commission if any violations of the Taxicab Ordinance occur during this probationary period (Vote 3-0).

MOTION by Council Member Wright seconded by Council Member McKissick to approve the Taxicab Inspector's recommendation [approve transfer of operator's license #113 from Paul Thompson to Ms. LaTanya Moore--in accordance with City Code was approved at 7:37 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: TAXICAB ORDINANCE AMENDMENT - COLLECTION OF ESTIMATED FARES

To adopt "An Ordinance Amending Section 22-151 of the Durham City Code Concerning the Collection of Estimated Fares."

Sam Bratcher spoke in support of this item.

Stella Adams spoke in support of this matter. Ms. Adams also suggested that the administration move forward with submitting the final taxicab ordinance for adoption.

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Amending Section 22-151 of the Durham City Code Concerning the Collection of Estimated Fares" was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick and Wright.

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Noes: Council Member Miller. Absent: None.

SUBJECT: BOARD OF ADJUSTMENT - APPOINTMENTS

To appoint Evelyn Lovett, Regular Member, to the Board of Adjustment for a term to expire June 30, 2000.

To appoint citizens to fill two vacancies on the Board of Adjustment, one Regular Member and one Alternate Member, with terms to expire June 30, 2000.

MOTION by Council Member Clement seconded by Council Member Larson to appoint William John Brian to the Board of Adjustment as a Regular Member with term to expire June 30, 2000 was approved at 7:51 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

MOTION by Council Member Clement seconded by Council Member Brown to appoint Corrine A. Mabry to the Board of Adjustment as an Alternate Member with term to expire June 30, 2000 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Engelhard. Absent: None.

MOTION by Council Member Larson seconded by Council Member Wright to appoint Evelyn Lovett, Regular Member, to the Board of Adjustment for a term to expire June 30, 2000 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

[SUPPLEMENTAL AGENDA]

SUBJECT: GOLDEN BELT MANUFACTURING PLANT - PROPERTY DONATION

MOTION by Council Member Wright seconded by Council Member Miller to thank the Brown & Williamson Tobacco Company for the recent donation of the Golden Belt Manufacturing Plant to the Durham Housing Authority and to congratulate the Durham Housing Authority was approved at 7:54 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson,

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McKissick, Miller and Wright. Noes: None. Absent: None.

Council Member Clement requested that copies of both letters be sent to the Durham Chamber of Commerce.

SUBJECT: VIOLENT CRIMES IN DURHAM - PARTNERS AGAINST CRIME

MOTION by Council Member Miller seconded by Mayor Pro Tem Robinson to direct the City Manager, on behalf of the City Council, to write a letter making a plea to Partners Against Crime, neighborhood associations, community groups, etc. to join with the Durham City Council in combating violent crimes in Durham and to discourage the ownership and use of firearms was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

Council Member Clement noted there was a list available in the Planning Department of neighborhood associations and community groups.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: YARD WASTE COLLECTION RECOMMENDATION

To receive and approve the attached report, as amended, concerning yard waste collection. (Report amended to reflect that no free replacement carts will be provided--cost for first replacement cart to be \$24.00, charge for any and all other carts to be at full cost)

MOTION by Council Member Larson seconded by Council Member Clement to waive the fee for yard waste collection was approved at 7:58 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

A motion was made by Council Member Larson to approve the manager's recommendation [cost for initial yard waste cart to be \$24.00, charge for any and all other carts to be at full cost]. This motion was seconded by Council Member Miller.

A substitute motion was made by Council Member Clement to waive the manager's recommendation. Mr. Clement noted that the \$24.00

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charge for the yard waste cart should be provided at no cost.
Motion failed due to the lack of a second.

MOTION by Council Member Larson seconded by Council Member Miller to receive and approve the amended report regarding yard waste collection "cost for yard waste cart to be \$24.00, charge for any and all other carts to be at full cost" was approved at 8:08 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Member Clement. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 8:09 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk